

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:12-CR-896
	§	
EDUVAR ROJAS-MURGA	§	

**ORDER DENYING APPLICATION FOR LEAVE TO FILE SECOND OR SUCCESSIVE
PETITION PURSUANT TO 28 U.S.C. § 2255**

The Clerk received Eduvar Rojas-Murga's Application for leave to file a second or successive petition on March 31, 2014. D.E. 54. The Application must be denied because this Court does not have authority to consider the Application.

28 U.S.C. § 2255(h) provides:

A second or successive motion must be certified as provided in section 2244 by a *panel of the appropriate court of appeals* to contain –


- (1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or
- (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

28 U.S.C. § 2255(h) (emphasis added).

Rojas-Murga is required to file his Application with the Fifth Circuit Court of Appeals. See Tolliver v. Dobre, 211 F.3d 876, 877 (5th Cir. 2000); 28 U.S.C. § 2244 (b)(3)(A) ("Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.").

Rojas-Murga's application for leave is DENIED (D.E. 54) for lack of jurisdiction

SIGNED and ORDERED this 4th day of April, 2014.



Janis Graham Jack
Senior United States District Judge